

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67404 of 2025

Arising Out of PS. Case No.-113 Year-2025 Thana- AKHODHIGOLA District- Rohtas

Prem Chand Singh S/o Late Jagnath Singh @ Late Jagannat Singh R/o
Village - Bank, P.S - Akorhigola, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashwani Kumar Tiwary, Advocate
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Akorhigola P.S. Case No. 113 of 2025, dated 13.04.2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per allegation, 1.4 litre of illicit liquor has been recovered from the co-accused, who was driving the motorcycle, belonging to the petitioner.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that as per the alleged facts and



circumstances, the motorcycle cannot be deemed to be carrying the 1.4 litre illicit liquor being carried by the rider of the motorcycle. He further submits that the petitioner has been implicated in this case on account of being owner of the vehicle, but the motorcycle could not be held to be used to carry the contraband. Hence, no prima facie case is made out against the petitioner. In this context, he also refers to and relies upon the following judgments passed by a Division Bench of this Court of which I was also a part, wherein it was held that in such situation, the motorcycle cannot be deemed to be carrying the contraband and it cannot be held to be used in the commission of the alleged offence :

- (i) **Sunaina Vs. State of Bihar**
2024 SCC OnLine Pat 851
- (ii) **Munna Ram Vs. The state of Bihar**
2024 SCC OnLine Pat 852
- (iii) **Amarjeet Yadav Vs. The State of Bihar**
2024 SCC OnLine Pat 853
- (iv) **Binit Kumar Vs. State of Bihar**
2024 SCC OnLine Pat 850
- (v) **Shanti Devi Vs. State of Bihar**
2024 SCC OnLine Pat 849

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the



bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the minuscule quantity of the contraband and the ratio of the aforesaid judgments relied upon by the petitioner, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Akorhigola P.S. Case No. 113 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong,
learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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